

DICKINSON WRIGHT PLLC
JOHN P. DESMOND
Nevada Bar No. 5618
BRIAN R. IRVINE
Nevada Bar No. 7758
100 West Liberty Street
Suite 940
Reno, Nevada 89501
Tel: (775) 343-7500
Fax: (844) 670-6009
Email: jdesmond@dickinsonwright.com
Email: birvine@dickinsonwright.com

ALAN WILSON
South Carolina Attorney General
ROBERT D. COOK
Solicitor General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
Tel: (803) 734-3970
Fax: (803) 734-2981
Email: awilson@scag.gov
Email: bcook@scag.gov

RANDOLPH R. LOWELL
Willoughby & Hoefer, P.A.
133 River Landing Drive, Suite 200
Charleston, South Carolina 29492
Tel: (843) 619-4426
Fax: (803) 256-8062
Email: rlowell@willoughbyhoefer.com

Attorneys for the State of South Carolina

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STATE OF NEVADA,

Plaintiff,

vs.

UNITED STATES, *et al.*,

Defendants,

STATE OF SOUTH CAROLINA,

Intervenor-Defendant.

Case No.: 3:18-CV-00569-MMD-CBC

**STIPULATION AND ORDER TO
DISMISS INTERVENOR-
DEFENDANT STATE OF SOUTH
CAROLINA**

1 Plaintiff STATE OF NEVADA (“Nevada”), Defendants UNITED STATES, UNITED
2 STATES DEPARTMENT OF ENERGY, RICK PERRY, in his official capacity as Secretary of
3 Energy, NATIONAL NUCLEAR SECURITY ADMINISTRATION, and LISA E. GORDON-
4 HAGERTY, in her official capacity as Administrator of the National Nuclear Security
5 Administration and Undersecretary of Nuclear Security (collectively “United States” or “DOE”)
6 and Intervenor-Defendant STATE OF SOUTH CAROLINA (“South Carolina”, and collectively
7 with Nevada and DOE, the “Parties”), by and through their respective attorneys state and stipulate
8 as follows:
9

10 1. Nevada filed this lawsuit on November 30, 2018 and simultaneously filed a
11 Motion for Preliminary Injunction. (ECF Nos. 1-2.)

12 2. On January 3, 2019, South Carolina filed an Emergency Motion to Intervene. (ECF
13 No. 25). The Court granted the Motion to Intervene on January 14, 2019. (ECF No. 36.) South
14 Carolina also filed a Motion to Transfer Venue in this matter to the U.S. District Court for the
15 State of South Carolina. (ECF No. 37.)

16 3. On January 17, 2019, the Court conducted an evidentiary hearing on Nevada’s
17 Motion for Preliminary Injunction. On January 30, 2019, the Court issued its Order Denying
18 Nevada’s Motion for Preliminary Injunction. (ECF No. 62 at 14.)

19 4. Nevada appealed the Court’s Order Denying the Motion for Preliminary
20 Injunction on February 4, 2019. (ECF No. 65.)

21 5. The Court denied South Carolina’s Motion to Transfer Venue as moot without
22 prejudice. (ECF No. 77.) The Court stayed all proceedings pending Nevada’s Ninth Circuit appeal
23 on April 30, 2019. (ECF No. 112.)

24 6. The Ninth Circuit dismissed Nevada’s appeal from the denial of its Motion for
25 Preliminary Injunction on August 13, 2019. (*See* Dkt No. 53, Case No. 19-15202.) The Court
26 lifted the district court stay on August 20, 2019. (ECF No. 118.)
27
28

1 7. Nevada moved for leave to amend its Complaint on August 30, 2019. (ECF No.
2 126.) The Court granted Nevada's request to amend, in part, on October 21, 2019. (ECF No. 136.)
3 Nevada filed its Amended Complaint on October 23, 2019. (ECF No. 137.)

4 8. In light of Nevada's Amended Complaint and the relief and claims asserted therein
5 and that such relief takes no position on the destination for the removed plutonium, South Carolina
6 concedes that it does not currently have a significantly protectable interest relating to the property
7 or transaction that is the subject of this case.

8 Accordingly, the Parties hereby stipulate and agree that South Carolina should be
9 dismissed as an Intervenor-Defendant to this action without prejudice.
10

11 [SIGNATURE PAGE FOLLOWS]
12

13 ///

14
15
16 ///

17
18
19
20 ///

21
22
23 ///

24
25
26 ///

1 DATED this 6th day of December, 2019.

DATED this 6th day of December, 2019.

2 By: /s/ Jordan T. Smith

3 James J. Pisanelli., Bar No. 4027

4 Todd L. Bice, Bar No. 4534

5 Jordan T. Smith, Bar No. 12097

6 Emily A. Buchwald, Bar No. 13442

7 PISANELLI BICE PLLC

8 400 South 7th Street, Suite 300

9 Las Vegas, Nevada 89101

10 Aaron D. Ford

11 *Attorney General*

12 Daniel P. Nubel (Bar No. 13553)

13 *Deputy Attorney General*

14 OFFICE OF THE NEVADA ATTORNEY GENERAL

15 100 N. Carson Street

16 Carson City, Nevada 89701

17 *Attorneys for the State of Nevada*

By: /s/ David L. Negri

Jean E. Williams

David L. Negri

U.S. Department of Justice

Environment & Natural Resources Div.

c/o U.S. Attorney's Office

800 Park Blvd., #600

Boise, Idaho 83712

Attorneys for the United States

DATED this 6th day of December, 2019.

By: /s/ Brian R. Irvine

John P. Desmond

Brian R. Irvine

DICKINSON WRIGHT PLLC

100 West Liberty Street

Suite 940

Reno, Nevada 89501

Attorneys for the State of South Carolina

ORDER

Pursuant to the foregoing stipulation by and between the Parties, and good cause appearing, IT IS HEREBY ORDERED that the State of South Carolina is DISMISSED as an Intervenor-Defendant to this action without prejudice.



UNITED STATES DISTRICT JUDGE

DATED: December 6, 2019